
*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	1360
CONNECTION TEL	00017037487239
SUBADDRESS	
CONNECTION ID	
ST. TIME	27/08 17:21
USAGE T	14'27
PGS.	45
RESULT	OK

FAX RECEIVED

NOV 15 2002

PETITIONS OFFICE

Facsimile Cover Sheet



Medtronic
When Life Depends on Medical Technology

Bakken Research Center

Endepolsdomein 5

6229 GW Maastricht

The Netherlands



27581

To: Examiner Beatriz Prieto
TC 2100 Before Final
Fax (703) 746-7239

Subject: Reply to Office Action for:
Serial No. 09/348,506; Filed 07/07/1999
Docket No. P-8027.00

From: Eric R. Waldkoetter, Reg. No. 36,713
Tel 011 (31-43) 366-6845; Fax 011 (31-43) 356-6521
eric.waldkoetter@medtronic.com

Date: August 27, 2002

Total Pages 46 (including this cover sheet)

Sir or Madam,

Please kindly deliver this facsimile promptly to the Examiner listed above.

Respectfully,

3 308 6916

*** RX REPORT ***

RECEPTION OK

TX/RX NO	8892
CONNECTION TEL	31 43 3566521
CONNECTION ID	LEGAL BRC
START TIME	11/15(FR)04:54
USAGE TIME	02'41"
PGS.	8
RESULT	OK

FAX RECEIVED

NOV 15 2002

PETITIONS OFFICE

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

8

Application Number

09/348,506

Filing Date

07/07/1999

First Named Inventor

Ferek-Petric

Group Art Unit

2142

Examiner Name

Beatriz Prieto

Attorney Docket Number

P-8027.00

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		
Box DAC Commissioner for Patents Washington, D.C. 20231 Office of Petitions Fax (703) 308-6916		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Medtronic, Inc., USPTO Customer No. 27581 Eric R. Waldkoetter, Reg. No. 36,713
Signature	<i>Eric R. Waldkoetter Tel 011(31-43)356-6845</i> <i>Fax 011(31-43)356-6521</i>
Date	15 NOV 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: _____

Typed or printed name		
Signature		Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FAX RECEIVED

NOV 15 2002

PETITIONS OFFICE

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1280.00)

Complete if Known

Application Number	09/348,506
Filing Date	07/07/1999
First Named Inventor	Ferek-Petric
Examiner Name	Beatriz Prieto
Group Art Unit	2142
Attorney Docket No.	P-8027.00

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 13-2546
Deposit Account Name Medtronic, Inc.

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status.
See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	
SUBTOTAL (1) (\$)			1280.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	x	
Claims	- 3** =	x	
Multiple Dependent		=	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
109 84	209 42	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)			1280.00

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or cash	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	1280.00
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	128 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
148 740	248 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$)	1280.00

SUBMITTED BY

Complete if applicable

Name (Print/Type)	Eric R. Waldkoetter	Registration No. (Attorney/Agent)	36,713	Telephone	011 (31-43) 356-6845
Signature	<i>Eric R. Waldkoetter</i>			Date	15 NOV 02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-203B.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ferek-Petric

) Examiner: Beatriz Prieto

Serial No. 09/348,506

) Art Unit: 2142

Filed: 07/07/1999

)

Confirmation No. 5334

)

Title: System for remote communication
with a medical device) Certificate of Mailing or Transmission 37 CFR § 1.8
I hereby certify that this correspondence is being
deposited with the United States Postal Service with
sufficient postage for first class mail in an envelope
addressed to the United States Patent and Trademark
Office as indicated below, or being facsimile
transmitted to the USPTO, on the date indicated
below:

Docket No. P-8027.00

)

) 15 Nov 2002 (date).

)

) Eric R. Waldkoetter

Eric R. Waldkoetter

FAX RECEIVED

Box DAC
Commissioner for Patents
Washington, D.C. 20231

NOV 15 2002

PETITIONS OFFICE

**PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. § 1.137(b)**

Applicant respectfully petitions for revival of the above-captioned patent application that was unintentionally abandoned according to a Notice Of Abandonment mailed October 22, 2002 (copy attached).

The required reply to the Office action mailed February 27, 2002 was transmitted by facsimile on August 27, 2002 with a petition for a three-month extension of time in which to respond to the outstanding Office action extending the response period to August 27, 2002. A copy of the reply and facsimile transmission confirmation is attached. It is submitted that the reply was timely filed; therefore, the applicant respectfully requests that the petition fee be waived. A fee transmittal for accompanies this petition to charge Deposit Account No. 13-2546 for Medtronic, Inc. the appropriate fee in case the petition fee is not waived.

09/348,506

Art Unit 2142

P-8027.00

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. In fact, as submitted above, it is believed that the reply was timely filed.

Respectfully submitted,



Eric R. Waldkoetter
Attorney Reg. No. 36,713
Located in The Netherlands (ET + 6 hours)
Office Tel 011 (31-43) 356-6845
Cell Tel 011 (31) 6 5155-9936
Office Fax 011 (31-43) 356-6521
eric.waldkoetter@medtronic.com

Date: 15 Nov 2002

Medtronic, Inc.
USPTO Customer No. 27581
710 Medtronic Parkway (MS-LC340)
Minneapolis, MN 55432-5604

Attachments:

- Notice of Abandonment (copy); and,
- Reply transmittal and fax confirmation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,506	07/07/1999	BÖZIDAR FEREK-PETRIC	P-8027	5334
27581	7590	10/22/2002		
MEDTRONIC, INC.			EXAMINER	
710 MEDTRONIC PARKWAY NE			PRIETO, BEATRIZ	
MS-LC340				
MINNEAPOLIS, MN 55432-5604			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 10/22/2002

10-22-2002 Notice of Abandonment

Please find below and/or attached an Office communication concerning this application or proceeding.

FAX RECEIVED

NOV 15 2002

PETITIONS OFFICE

OCT 29 2002

Notice of Abandonment	Application No.	Applicant(s)	
	09/348,506	FEREK-PETRIC, BOZIDAR	
	Examiner B. PRIETO	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 27 February 2002.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:



MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

FAX RECEIVED

NOV 15 2002

PETITIONS OFFICE

Total Number of Pages in This Submission **44**Application Number **09/348,506**Filing Date **07/07/1999**First Named Inventor **Ferek-Petric**Group Art Unit **2152**Examiner Name **Beatriz Prieto**Attorney Docket Number **P-8027.00****ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		
Box Non-Fee Amendment Commissioner for Patents Washington, D.C. 20231 TC2100 Before Final Fax (703) 746-7239		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Medtronic, Inc., USPTO Customer No. 27581 Eric R. Waldkoetter, Reg. No. 36,713
Signature	
Date	27 AUG 02

CERTIFICATE OF MAILINGI hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

Typed or printed name		
Signature		Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.